

RESOLUTION NO. 2025-2447

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, FINDING THAT ACQUISITION OF REAL AND PERSONAL PROPERTY INTERESTS NEEDED FOR THE COMPLETION OF IMPROVEMENTS TO MCDOWELL ROAD BETWEEN DYSART ROAD AND APPROXIMATELY 694 FEET WEST OF LITCHFIELD ROAD TO DYSART ROAD. A MATTER OF PUBLIC NECESSITY; AUTHORIZING AND DIRECTING CITY STAFF TO ACQUIRE SUCH INTERESTS BY DEDICATION, DONATION, PURCHASE OR THE EXERCISE OF THE POWER OF EMINENT DOMAIN; PROVIDING AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Goodyear previously approved Capital Improvement Project Number 42058 the McDowell Road Median Improvements Project to improve the section of McDowell Road between Dysart Road and approximately 694 feet west of Litchfield Road to accommodate a third thru-lane and bike lanes in each direction (the "Project"); and

WHEREAS, project will provide the third travel and bike lanes within this section of McDowell Road by reducing the size of the existing median and relocate existing sidewalks to accommodate a third thru-lane and bike lanes in each direction, which will be accomplished by the reconstruction, modification, relocation, and/or replacement of existing road improvements, including: pavement, the raised median, sidewalks, outside curb & gutter, curb returns and curb ramps at the McDowell Road and Litchfield Road intersection, drainage improvements, landscaping and landscaping irrigation, conduit, street lighting, intelligent transportation system (ITS) infrastructure, traffic signal improvements at the McDowell Road/Litchfield Road intersection, and drainage improvements (the "Project Improvements"); and

WHEREAS, as part of this project, new A3 power poles may be installed within the reconstructed median and a combined landscape irrigation system that will irrigate both the landscaping within the reconstructed median and the landscaping along the north side of McDowell Road adjacent to existing residential communities that the city maintains may be installed; and

WHEREAS, the completion of the Project Improvements will improve traffic flow, safety, capacity on the eastbound and westbound traffic on McDowell Rd. and Litchfield Road and will improve accessibility for motor vehicles, bicycles, and pedestrians; and

WHEREAS, design plans for the Project Improvements are 90% complete and the city's design consultants have identified and prepared legal descriptions of the portion of real property over which easements will be required; and

WHEREAS, the completion of the Project Improvements will require the city to acquire temporary construction easements allowing for the temporary use of the adjacent properties during the completion of the improvements, including allowing the city to undertake any of the project activities located within private property including the reconstruction of impacted driveways and the removal and/or replacement of impacted

landscaping or other improvements; and the completion of the Project Improvements will require the city to acquire public utility and sidewalk easement(s) from the owner(s) of the properties at the southwest corner of Litchfield Road and McDowell Road; and personal property that will need to be removed to accommodate the Project Improvements; and

WHEREAS, the City of Goodyear has considered alternatives available to it, has balanced the greater public good and the least private injury that will result from the city's acquisition of the real property interests necessary for the completion of the Project Improvements and, the removal of any the personal property thereon if required to accommodate the Project Improvements; and

WHEREAS, the City of Goodyear has determined that temporary construction easements and public utility and sidewalk easement(s) described above within the areas generally depicted on ed Exhibit "A" attached hereto results in the greater public good and the least private injury.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. The Council of the City of Goodyear finds that the acquisition of temporary construction easements and public utility and sidewalk easement(s) within the areas generally depicted in Exhibit "A" attached hereto and any personal property located within the easements being acquired that may need to be removed to accommodate the Project Improvements is needed for the completion of Capital Improvement Project Number 42058 the McDowell Road Median Improvements Project and the securing of immediate possession of such real and personal property interests is for a necessary public purpose and is in the best interest of the citizens of the City of Goodyear.

SECTION 2. Subject to the terms set forth herein, city staff is hereby authorized and directed to acquire, by dedication, donation, purchase, or the exercise of the power of eminent domain, the real and personal property interests needed for the completion of the Project Improvements from the owners of the properties identified on Exhibit "A" attached hereto as determined by the final engineering design plans, which includes temporary construction easements, public utility and sidewalk easement(s), any personal property located within the easements being acquired that may need to be removed to accommodate the Project Improvements. Written offers and purchase agreements for the real and personal property interests to be acquired shall be in a form approved by the City Attorney or his designee.

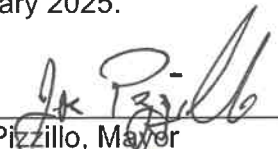
SECTION 3. If city staff is not able to acquire the real and personal property interests needed for the completion of the Project Improvements by dedication donation, or purchase within a reasonable period of time, the City Attorney

or his designee is hereby authorized and directed to commence or cause the commencement of condemnation proceedings, through the exercise of the power of eminent domain, to acquire, in the name of the City of Goodyear, the real and personal property interests needed for the construction of the Project Improvements and to secure immediate possession of such real and personal property interests. The City Attorney and or his designee is further authorized and directed to undertake all actions and to perform all acts necessary in furtherance of the acquisition of such real and personal property interests.

SECTION 4. The City Manager or designee is expressly authorized to take all actions and execute all documents necessary to acquire the real and personal property interests needed for the completion of Capital Improvement Project Number 42058 the McDowell Road Median Improvements Project, and to carry out the intent of this Resolution.

SECTION 5. Resolution 2025-2447 shall be effective upon the date of its adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a 7-0 vote, this 24th day of February 2025.



Joe Pizzillo, Mayor

Date: 2/24/2025

ATTEST:



Jasmine Pernicano, Acting City Clerk

APPROVED AS TO FORM:



Roric Massey, City Attorney



Exhibit "A"

